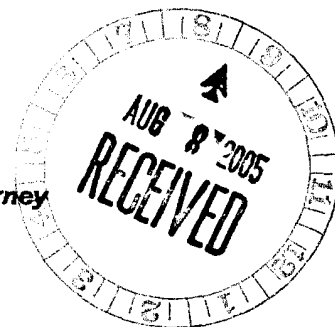




Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

214 489

James R. Paschall
Senior General Attorney



Writer's Direct Dial Number

(757) 629-2759
fax (757) 533-4872

August 5, 2005

via fax 202-565-9004
and original plus ten copies via U. S. Mail

Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings
AUG 08 2005
Part of
Public Record

Re: Surface Transportation Board Docket No. AB-290 (Sub-No. 257X),
Norfolk Southern Railway Company - Abandonment Exemption - In
Blackford County, Indiana - Section 106 Historic Preservation Condition

Dear Mr. Williams:

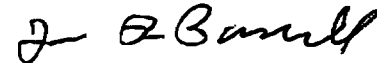
In a decision and notice of interim trail use or abandonment served by the Board in this matter on February 17, 2005, the Board made Norfolk Southern Railway Company's (NSR's) abandonment of the subject line between milepost RK-130.00 at Converse, and milepost RK-138.60 at Hartford City, in Blackford County, IN subject to several conditions, including retaining its interest in and taking no steps to alter the historic integrity of the ROW until completion of the section 106 process of the NHPA. Following correspondence between the Indiana State Historic Preservation Office and NSR, NSR received the attached letter from the Indiana SHPO.

It appears that the previous correspondence between NSR and the Indiana SHPO has satisfied the SHPO's concerns and completed the Section 106 process, although the SHPO's letter does leave the final decision to the Board. Under the circumstances, NSR believes that the SHPO's March 23, 2005 reply letter and NSR's previous historic report and response to the SHPO justifies a finding that the proposed abandonment will have no adverse effect on properties listed in or eligible for listing in the National Register of Historic Places. Therefore, NSR asks that the Board remove the historic preservation condition imposed in the decision served February 17, 2005.

Honorable Vernon A. Williams
August 5, 2005
STB No. AB-290, Sub-No. 257X
Page 2 of 2

Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "J R Paschall".

James R. Paschall

Mitchell E. Daniels, Jr., Governor

DNR

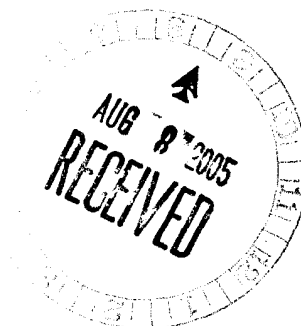
Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology 402 W. Washington Street, WZ74-Indianapolis, IN 46204-2739
Phone 317-232-1646 Fax 317-232-0693 dhpa@dnr.IN.gov



March 23, 2005

James R. Paschall
Law Department
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9241



Federal Agency: Surface Transportation Board ("STB")

Re: Additional information regarding the abandonment of 8.60 miles of rail line between milepost RK 130.00 at Converse and railroad milepost RK 138.60 at Hartford City by the Norfolk Southern Railway Company (Docket #AB-290[sub #257X])

Dear Mr. Paschall:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated February 8, 2005, and received on February 11, 2005, for the above indicated project in Jackson and Licking townships, Blackford County, Indiana.

Thank you for providing the additional information we requested in our letter dated February 2, 2005. Since Norfolk Southern Corporation does not own the Hartford City PCC & St. L Passenger Depot and no action will be taken with respect to it, we do not believe that the integrity of the Hartford City PCC & St. L Passenger Depot will be diminished as a result of this project.

Therefore, it would be appropriate for the STB to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Refer to the following comments for guidance:

- 1) If the STB believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the STB finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4 (d)(2) and 800.2(d)(2). Thereafter, the STB may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

We look forward to receiving notice of the STB's findings.

Be advised that John R. Goss no longer holds the title of Indiana SHPO. As of February 21, 2005, Kyle J. Hupfer, who was appointed by the Governor Daniels, became the new Indiana SHPO.

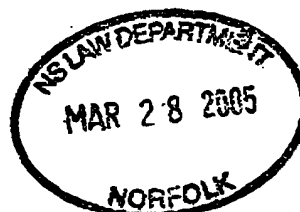
A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about our comments, please call Shana Kelso of our office at (317) 232-1646.

Very truly yours,

Shana Kelso
for: Jon C. Smith
Deputy State Historic Preservation Officer

JCS:SNK:snk

cc: David C. Navecky, Surface Transportation Board



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